

October 29, 2009

Donald A. Peruski
Attorney Admissions Clerk
USDC, Eastern District of Michigan
231 West Lafayette Blvd., Fifth Floor
Detroit, MI 48226

F I L E D
NOV - 2 2009
CLERK'S OFFICE
DETROIT

Re: AUSTIN v. Evans & Luptak, et al. (Case No. 2:09-cv-14147)

Dear Mr. Peruski:

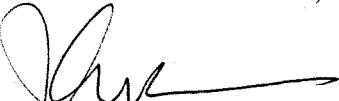
I am in receipt of your letters dated October 22, 2009, to both myself and my partner, Troy Douglas Mudford, which were unfortunately delayed in the mail for several days. Neither I, nor Mr. Mudford, have filed any papers in the USDC, Eastern District of Michigan court. The papers we filed went to the Siskiyou County Superior Court for the State of California, and we sent a courtesy copy to the defendants informing them that we were not serving them, that we intended to amend the Complaint, and that we would like to explore settlement prior to service.

The defendants voluntarily appeared in Siskiyou County Superior Court, and then had the case removed to the United States District Court for the Eastern District of California. The defendants then moved for a change of venue to your court. The matter was transferred to your court over our protest.

I do not want to handle a matter in a Michigan Court from my practice here in California. I am currently seeking counsel in Michigan on behalf of my clients to substitute into this case in my place. I doubt that I will be able to find counsel and get the paperwork completed within your 14-day deadline and therefore request that it be extended another 30 days, which would be up to and including December 4, 2009. Thank you for your courtesy and consideration of this matter.

Very truly yours,

BARR & MUDFORD, LLP


JOHN (DUGAN) BARR
DB:jlr

cc: The Honorable Victoria A. Roberts
Julia M. Wei, at the Law Office of Peter N. Brewer
Wayne and Kaye Austin